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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058054
Party	Defendant GMA Accessories, Inc.
Correspondence Address	CARISSA M PEEBLES BOSTANY LAW FIRM PLLC 40 WALL STREET, 28TH FLOOR NEW YORK, NY 10005 UNITED STATES mail@bozlaw.com, c.peebles@bozlaw.com
Submission	Opposition/Response to Motion
Filer's Name	John P. Bostany
Filer's e-mail	john@bozlaw.com
Signature	/JPB/
Date	01/29/2015
Attachments	Declaration.1 29 15.pdf(15508 bytes) Cert.of.Service.1.29.15.pdf(10581 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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MORRIS VISITOR PUBLICATIONS, LLC,

Petitioner,

DECLARATION

- v -

Cancellation No.: **92058054**

GMA ACCESSORIES, INC.,

Respondent.

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John P. Bostany, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746,
as follows:

1. I am a Member of The Bostany Law Firm PLLC attorneys for the Respondent in
this cancellation proceeding.

2. I do not oppose the Petitioner's request to dismiss with prejudice.

3. Respondent disagrees with the Petitioner's self-serving statement in its motion i.e.
the unilateral determination that there is no confusion. This statement is completely unnecessary
to the motion and therefore does not effect the request therein that the Trademark Trial and
Appeal Board dismiss with prejudice.

3. It is worth noting that United States Patent and Trademark examining attorney
Kristin Carlson confirmed a prior refusal to issue a registration for the Petitioner's trademark
CHARLOTTE WEDDING pursuant to § 2(d) of the Trademark Act (15.U.S.C. § 1052(d)) due
to confusion between the applied for mark CHARLOTTE WEDDING and the Respondent's
registered trademark CHARLOTTE. Prosecution History, Application # 85664120.

4. It is respectfully submitted that the trademark examiner was correct in the
determination of likelihood of confusion.

5. The instant Petition for Cancellation followed this refusal and was designed to remove the obstacle to Petitioner's application, without regard to the merit of the Petition itself.

6. Indeed, the Petition was based on numerous frivolous arguments including but not limited to that the United States Patent and Trademark Office somehow improperly granted the Respondent's Registration.

7. During this proceeding, Petitioner was supplied with abundant proof of use of the trademark CHARLOTTE by Respondent and based upon this discovery, Petitioner recognized that its accusations of non-use were frivolous and that the Petition would be dismissed.

8. Respondent does not oppose the Petitioner's Motion to Dismiss with prejudice.

Dated: New York, New York
January 29, 2015


THE BOSTANY LAW FIRM PLLC

s/John P. Bostany
By: John P. Bostany
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Certificate of Service

I, Meghan K. Sullivan, hereby certify that the Declaration is being deposited with the United States Postal Service on January 29, 2015, postage pre-paid, addressed to the following:

David E. Hudson, Esq.
Hull Barrett, PC
Post Office Box 1564
Augusta Georgia, 30903

By: 
Meghan K. Sullivan